

SEP 14 2006

NOT FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DINIAL COLLINS-BAKER,

Defendant - Appellant.

No. 04-50410

D.C. No. CR-00-03193-BTM

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Barry T. Moskowitz, District Judge, Presiding

Submitted September 11, 2006**

Before: PREGERSON, T.G. NELSON and GRABER, Circuit Judges.

This is an appeal from the sentence imposed upon revocation of supervised release. A review of the record indicates that the appeal is moot because the custodial term has ended and Appellant was not sentenced to a term of supervised

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

release to follow his custodial sentence. *See United States v. Palomba*, 182 F.3d 1121, 1123 (9th Cir. 1999).

APPEAL DISMISSED.